

ORDINANCE NO. 08-325

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF LOS ALTOS
AMENDING CHAPTER 3.48 OF THE MUNICIPAL CODE**

The City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE: Section 3.48.040 of Chapter 3.48 of the Los Altos Municipal Code entitled "Fee requirement" is hereby replaced with the following.

3.48.040. Fee requirement.

A. A traffic impact fee is hereby imposed on new development which generates traffic and meets the requirements of this section. The amount of the fee shall be established periodically by the city council. The fee shall be based on the percentage of the cost of the new improvements attributable to new development as determined in the Traffic Impact Fee Program report in effect at the time this chapter is enacted or as subsequently amended.

B. The fee shall be applicable to development projects throughout the city as follows:

1. Single family housing – per residential unit
2. Multiple family housing – per residential unit
3. Senior housing – per residential unit
4. Commercial – per 1,000 gross square feet
5. Office – per 1,000 gross square feet

C. Residential units and non-residential uses shall only be charged for net increases. No fee shall be charged for the remodeling, restoration or replacement of an existing residential unit or the remodeling, restoration or replacement of existing gross floor area for a non-residential use.

D. When a multiple family or senior housing project replaces a non-residential project the traffic impact fee shall either be the unit cost for every 1,000 square feet of net new building area, or the unit cost for the total number of residential units, whichever is less.

E. The city engineer shall determine the appropriate traffic impact fee for projects that do not fall into one of the categories defined herein based on the number of additional p.m. peak hour trips the project generates in excess of any current p.m. peak hour trips generated by current site uses, as indicated in the most current edition of the Institute of Transportation Engineers Trip Generation Manual and based on the Traffic Impact Fee Program report in effect at the time this chapter is enacted or as subsequently amended. Any determination made by the city engineer pursuant to this subsection may be appealed to the city council.

SECTION 2. AMENDMENT OF CODE: Section 3.48.050 of Chapter 3.48 of the Los Altos Municipal Code entitled "Fee adjustment" is hereby replaced with the following.

3.48.050. Fee adjustment.

A. The traffic impact fee shall be adjusted automatically each July 1st by the increase or decrease in the Engineering News-Record Construction Cost Index for the San Francisco Bay Area for the period ending December 31st of the preceding calendar year.

B. In addition to the automatic adjustment of subsection A of this section, the city council may periodically adjust the traffic impact fee to reflect revisions in the transportation improvement projects, increases in land values or other factors.

SECTION 3. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 4. PUBLICATION. This ordinance shall be published as provided in section 66018 of the California Government Code.

SECTION 5. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and regularly introduced at a meeting of the City Council of the City of Los Altos on May 13, 2008 and was thereafter, at a regular meeting held on May 27, 2008 passed and adopted by the following vote:

Ayes: PACKARD, SATTERLEE, CASAS, BECKER, CARPENTER

Noes: NONE

Absent: NONE



Valorie Cook Carpenter, MAYOR

Attest:



Susan Kitchens, CITY CLERK

Date: June 18, 2008